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IN THE

Supreme Court of the United States

No. 225 July Term, 1966

ERWIN "RIP" SLOMANSON,
Petitioner,

v.

COMMONWEALTH OF PENNSYLVANIA,
Respondent.

ANSWER TO PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF PENNSYLVANIA

FERDINAND F. BIONAZ,
District Attorney of Cambria County,
Attorney for Respondent.

Court House,
Ebensburg, Pennsylvania.

BATAVIA TIMES, APPELLATE COURT PRINTERS,
EDWARD W. SHANNON, REPRESENTATIVE,
5022 CARLYN DRIVE, PITTSBURGH, PA., 15236
412-881-7469

Counter-Statement of the Case

Petitioner neglected to state in his Statement of the Case that Commonwealth's testimony showed that the fluid given to Barbara Ann Conrad by petitioner contained ergot, a substance capable of inducing labor (R. 122a-130a).

Pennsylvania Statute Involved

Act of June 24, 1939, P. L. 872 § 718, Purdon's Pa. Stat. Ann. tit. 18 § 4718 (1963). "Abortion",

Counter-Argument

The claim that the words of the statute "unlawfully administers" are so vague that they do not lay down a reasonably ascertainable and definite standard of prohibited conduct was never presented to the trial court in petitioner's Motion to Quash (R. 31a-32a), or in petitioner's Motions and Reasons for New Trial and In Arrest of Judgment (R. 256a-259a), and is just an afterthought designed to create a federal question in this case. The word "administers" is defined in Webster's International Dictionary as "to give a dose", and "unlawfully" has been defined on a number of occasions by the Pennsylvania Supreme Court. See, for example, *West Penn Township School District v. International Brotherhood of Electric Workers*, 396 Pa. 408, 415, 145 A. 2d 258 (1959). Thus, the defendant was charged with unlawfully giving a dose of a substance in order to procure a miscarriage, a definition which certainly is not so vague as to be violative of the Fourteenth Amendment.

Respectfully submitted,

FERDINAND F. BIONAZ,
District Attorney of Cambria County,
Attorney for Respondent.

Court House,
Ebensburg, Pennsylvania.